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## REMARKS

Applicants provide the following information and remarks responsive to the requests made in paragraph 3 of the 37 C.F.R. §1.105 Communication as known and readily obtained by Applicants pursuant to this section:

(i) The original parents from which corn variety I071535 was developed are designated MM501D and WKBC5. MM501D also has the designation SGI829 and WKBC5 also has the designation PS20526. MM501D and WKBC5 are believed to have been on sale or in public use more than one year prior to the filing date and thus "publicly available" as that term is used in the Request. Applicants understand this term to refer to whether the parent plants had been on sale or in public use as of the priority date of the current application and thus a description of the lineage has been provided back to any publicly available lines. Clarification is respectfully requested if this interpretation is not what was intended.

(ii) Corn variety I071535 was developed as follows:

Summer 1992	Inbred line MM501D (a proprietary DEKALB Genetics Corporation inbred) was crossed to WKBC5 (a proprietary DEKALB Genetics Corporation inbred) (row 135:33 X row 214:03).
Winter 1992-93	F1 seed of MM501D*WKBC5 was self pollinated (row N36:63).
Summer 1993	F2 seed was grown and self-pollinated (rows 125:01 to 125:24). 62 ears were selected.
Winter 1993-94	F3 seed was grown ear-to-row and self-pollinated (rows 12C:2336 to 12C:2422). 2 ears were harvested from row 12C:2370.
Summer 1994	F4 seed was grown ear-to-row and self-pollinated (rows 151-13 to 151-14). 2 ears were selected from row 151-14.
Summer 1995	F5 seed was grown ear-to-row and self-pollinated (rows 448:47-48). 3 ears were selected from row 448-47.

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-2-

Summer 1996	F6 seed was grown ear-to-row and self-pollinated (rows 227:60 to 228:59). 2 ears were selected from row 228:60 and shelled together in a bulk.
Summer 1997	Bulk F7 seed was grown self-pollinated (row 355:05). F8 seed of two ears from row 355:05 were designated as Corn Variety 1071535.
Winter 1997-98	F8 seed was grown ear-to-row and self-pollinated (rows 93MX:334-337). F9 seed from row 93MX:336 was bulked.
Summer 1998	F9 seed was grown and self-pollinated (rows 321:43-44). F10 seed from 4 ears were selected for shelling individually and the remainder bulked.
Summer 1999	F10 seed was grown in six rows from each of the 4 ears (rows 311:34-312:44). F11 seed was bulked from all rows to form the breeder seed bulk.

(iii) As indicated above, the original parent lines had been "publicly available" as of the priority date. Variety MM501D is believed to have been disclosed and "publicly available" at least since the issuance of PVP No. 9300085 on March 31, 1994 and variety WKBC5 at least since the issuance of US Patent No. 5,977,455 on November 2, 1999. The extent of disclosure of progeny of MM501D and WKBC5 is provided under item (iv).

(iv) At or before the time of filing of the instant application the following progeny varieties were produced by crossing MM501D and WKBC5, designated 4DIQ2, 83DIQ1, 83DIQ10, 83DIQ2, 83DIQ3, 83DIQ4, 83DIQ5, 83DIQ6, 90DHQ1, 90DIQ1, 90DIQ2, 90DIQ3, 90DIQ4, 90DIQ5, 90QCD1, 99DIQ1, 99DIQ2, WQCD10, WQCD12, WQCD13, WQCD14, WQCD15, WQCD16, WQCD17, WQCD18, WQCD19, WQCD20, WQCD24, WQCD4, WQCD7 and WQCD9. It is believed that these lines were not publicly available or sold at the time of filing of the instant application except for corn line WQCD10, which is believed to have first been sold in 1997 and is described

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in US Patent No. 6,130,369, issued Oct. 10, 2000. During the breeding protocol described above many thousands of "progeny" were of course produced during the individual steps, as each of the many kernels in the multiple ears of corn forming on a plant are theoretically "progeny," but only some of these are selected for further breeding.

### CONCLUSION

This is submitted to be a complete response to the referenced Communication. In conclusion, Applicant submits that the present case is in condition for allowance and such favorable action is respectfully requested.

The Examiner is invited to contact the undersigned at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: October 5, 2006